



Crl.O.P.(MD)No.1758 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2025

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.1758 of 2025
and in Crl.M.P(MD) No.1198 of 2025

Sahaya Revin Alias Sahaya Rebin

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by the Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Cr. No. 631 of 2020).

2. Rajappan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, call for the entire records pertaining to the case in C.C. No. 800 of 2022 on the file of the learned Judicial Magistrate Court No.3, Nagercoil, Kanyakumari District and quash the same

For Petitioner : M/s. B.Micheal Sebastin

For Respondent : Mr.K.Sanjai Gandhi (R1)
Government Advocate (Crl.Side)

M/s. S.Pragadeeswaran(R2)



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ORDER

This Criminal Original Petition has been filed, invoking Section 528 of Bharatiya Nagarik Suraksha Sanhita, 2023, to quash the charge sheet in C.C.No.800 of 2022 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District.

2. The case of the prosecution is that on 11.07.2020, the petitioner's son dashed against the vehicle of one Boopathi, due to which, he died. Hence, the complaint has been lodged by the defacto complainant, who is the son-in-law of the deceased.

3. The learned counsel appearing for the petitioner would submit that the second respondent lodged a complaint before the first respondent and an FIR has been registered in Crime No.631 of 2020. After investigation, a final report has been filed and the same was taken cognizance in C.C.No.800 of 2022 on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, for the offences under Section 304(A) IPC, against the petitioner.



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4. The case is under trial. By passage of time, the parties have decided to bury their hatchet and compromised the dispute amicably among themselves. Now, both parties are agreeing to withdraw the complaint and is not willing to pursue the case.

5. A Joint Memo of Compromise dated 29.01.2025 is filed before this Court signed by the petitioner and the second respondent and their respective counsels. The petitioner and the second respondent are present before this Court, identified by Mr.S.Ramanathan, Sub Inspector of Police, Suchindram Police Station, Kanyakumari District, as well as by the learned counsels appearing for the parties. This Court enquired both the parties and satisfied that the parties have come to an amicable settlement between themselves on their own voluntarily without any compulsion.

6. In the instant case, the petitioner's son had committed accident, in which, the defacto complainant's father-in-law died. Now, the parties had compromised their dispute. When the parties have



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compromised the matter, the High Court has the power to quash the complaint for the offence under Sections 294(b), 323 IPC.

7. The legal position expressed by the Hon'ble Apex Court in the case of *Gian Singh vs. State of Punjab and another* reported in *(2012) 10 SCC 303* and *Parbatbhai Aahir @ Parbatbhai Vs. State of Gujarat* reported in *(2017) 9 SCC 641* was taken into consideration.

8. In the light of the guidelines issued in the above said judgments of the Hon'ble Apex Court, no useful purpose will be served in keeping the proceedings in C.C.No.800 of 2022 as against the petitioner pending before the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, even though the offences involved are not compoundable in nature.

9. Accordingly, this Criminal Original Petition is allowed and the proceedings in C.C.No.800 of 2022, on the file of the Judicial Magistrate No.III, Nagercoil, Kanyakumari District, is quashed as against the petitioner and the joint compromise memo shall form part and parcel



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of this order. Consequently, connected miscellaneous petition is closed.

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NCC : Yes / No

Index : Yes / No

PNM

To

1. The Judicial Magistrate No.III, Nagercoil, Kanyakumari

2.The the Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Cr. No. 631 of 2020).

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

PNM

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